

AMENDED IN ASSEMBLY SEPTEMBER 9, 2003

AMENDED IN ASSEMBLY SEPTEMBER 4, 2003

AMENDED IN ASSEMBLY AUGUST 18, 2003

AMENDED IN SENATE MAY 15, 2003

**SENATE BILL**

**No. 279**

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**Introduced by Senator Chesbro**

(Principal coauthor: Assembly Member La Malfa)

**(Coauthor: Senator Denham)**

(Coauthors: Assembly Members Berg, Dutton, Hancock, Koretz,  
Maze, Reyes, and Strickland)

February 18, 2003

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An act to amend Section 68120 of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 279, as amended, Chesbro. Public postsecondary education: excuse of tuition and fees.

Existing law requires the Regents of the University of California, the Board of Directors of the Hastings College of the Law, and the Trustees of the California State University to excuse the mandatory systemwide tuition and fees of any surviving spouse or surviving child, natural or adopted, of a deceased person who was a resident of the state, who was employed by a public agency, as defined, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who was killed in the performance of active law enforcement or active fire suppression and prevention duties. Until January 1, 2004, this provision also applies to the surviving spouse or

surviving child of a person who died while performing these duties, and who was employed as a contractor, or as an employee of a contractor, performing services for a public agency, as defined. This provision is applicable to the Regents of the University of California only if the regents, by resolution, make it applicable.

This bill would extend indefinitely the application of this provision to the surviving spouse or surviving child of a contractor, or an employee of a contractor, as defined, performing services for a public agency. The bill would require, however, that a surviving child of a contractor, or of an employee of a contractor, be enrolled as an undergraduate student at a campus of the University of California or the California State University and document that his or her annual income, including the value of any support received from a parent, does not exceed the national poverty level, as defined.

~~The bill would incorporate additional changes to Section 68120 of the Education Code proposed by AB 933, to become operative only if AB 933 and this bill take effect on or before January 1, 2004, and this bill is enacted last.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 68120 of the Education Code, as
- 2 amended by Section 2 of Chapter 347 of the Statutes of 2001, is
- 3 amended to read:
- 4 68120. (a) Notwithstanding any other provision of law, no
- 5 mandatory systemwide fees or tuition of any kind shall be required
- 6 of or collected by the Regents of the University of California, the
- 7 Board of Directors of the Hastings College of the Law, or the
- 8 Trustees of the California State University from any surviving
- 9 spouse or surviving child, natural or adopted, of a deceased person
- 10 who met all of the following requirements:
- 11 (1) He or she was a resident of this state.
- 12 (2) He or she was employed by a public agency, or was a
- 13 contractor, or an employee of a contractor, performing services for
- 14 a public agency.
- 15 (3) His or her principal duties consisted of active law
- 16 enforcement service or active fire suppression and prevention.
- 17 This section shall not apply to a person whose principal duties were



1 clerical, even if he or she was subject to occasional call or was  
2 occasionally called upon to perform duties within the scope of  
3 active law enforcement or active fire suppression and prevention.

4 (4) He or she was killed in the performance of active law  
5 enforcement or active fire suppression and prevention duties, or  
6 died as a result of an accident or an injury caused by external  
7 violence or physical force, incurred in the performance of his or  
8 her active law enforcement or active fire suppression and  
9 prevention duties.

10 (b) Notwithstanding subdivision (a), a person who qualifies for  
11 the waiver of mandatory systemwide fees and tuition under this  
12 section as a surviving child of a contractor, or of an employee of  
13 a contractor, who performed services for a public agency shall, in  
14 addition to the requirements set forth in subdivision (a), meet both  
15 of the following requirements:

16 (1) Enrollment as an undergraduate student at a campus of the  
17 University of California or the California State University.

18 (2) Documentation that his or her annual income, including the  
19 value of any support received from a parent, does not exceed the  
20 national poverty level as defined in subdivision (c) of Section  
21 66025.3.

22 (c) As used in this section:

23 (1) “Contractor” or “employee of a contractor” includes any  
24 of the following:

25 (A) A peace officer, as defined in Section 50920 of the  
26 Government Code.

27 (B) A firefighter, as defined in Section 50925 of the  
28 Government Code.

29 (C) A patrol member, state peace officer member, or state  
30 firefighter member within the meaning of Article 3 (commencing  
31 with Section 20390) of Chapter 4 of Part 3 of Division 5 of Title  
32 2 of the Government Code.

33 (D) Any person under contract to the State of California or to  
34 the fire department of a city, county, or city and county for the  
35 purpose of providing aerial fire suppression or rescue services.

36 (2) “Public agency” means the state or any city, city and  
37 county, county, district, or other local authority or public body of  
38 or within the state.

1 ~~SEC. 2.—Section 68120 of the Education Code, as amended by~~  
2 ~~Section 2 of Chapter 347 of the Statutes of 2001, is amended to~~  
3 ~~read:~~

4 ~~68120.—(a) Notwithstanding any other provision of law, no~~  
5 ~~mandatory systemwide fees or tuition of any kind shall be required~~  
6 ~~of or collected by the Regents of the University of California, the~~  
7 ~~Board of Directors of the Hastings College of the Law, or the~~  
8 ~~Trustees of the California State University from any surviving~~  
9 ~~spouse or surviving child of a deceased person who met all of the~~  
10 ~~following requirements:~~

11 ~~(1) He or she was a resident of this state.~~

12 ~~(2) He or she was employed by a public agency, or was a~~  
13 ~~contractor, or an employee of a contractor, performing services for~~  
14 ~~a public agency.~~

15 ~~(3) His or her principal duties consisted of active law~~  
16 ~~enforcement service or active fire suppression and prevention.~~  
17 ~~This section does not apply to a deceased person whose principal~~  
18 ~~duties were clerical, even if he or she was occasionally called upon~~  
19 ~~to perform duties within the scope of active law enforcement or~~  
20 ~~active fire suppression and prevention.~~

21 ~~(4) He or she was killed in the performance of active law~~  
22 ~~enforcement or active fire suppression and prevention duties or~~  
23 ~~died as a result of an accident or an injury caused by external~~  
24 ~~violence or physical force, incurred in the performance of his or~~  
25 ~~her active law enforcement or active fire suppression and~~  
26 ~~prevention duties.~~

27 ~~(b) Notwithstanding subdivision (a), in order to qualify for the~~  
28 ~~waiver of mandatory systemwide fees and tuition under this~~  
29 ~~section, a surviving child of a deceased employee of a public~~  
30 ~~agency, a contractor, or an employee of a contractor, who~~  
31 ~~performed services for a public agency, shall, in addition to the~~  
32 ~~requirements set forth in subdivision (a), meet both of the~~  
33 ~~following requirements:~~

34 ~~(1) He or she shall be enrolled as an undergraduate student at~~  
35 ~~a campus of the University of California or the California State~~  
36 ~~University.~~

37 ~~(2) He or she shall provide documentation to the university that~~  
38 ~~his or her income, including the value of any support received from~~  
39 ~~a parent, does not exceed the national poverty level as defined in~~  
40 ~~subdivision (c) of Section 66025.3.~~

~~(c) As used in this section:~~

~~(1) “Contractor” or “employee of a contractor” includes any of the following:~~

~~(A) A peace officer, as defined in Section 50920 of the Government Code.~~

~~(B) A firefighter, as defined in Section 50925 of the Government Code.~~

~~(C) A patrol member, state peace officer member, or state firefighter member within the meaning of Article 3 (commencing with Section 20390) of Chapter 4 of Part 3 of Division 5 of Title 2 of the Government Code.~~

~~(D) Any person under contract to the State of California or to the fire department of a city, county, or city and county for the purpose of providing aerial fire suppression or rescue services.~~

~~(2) “Public agency” means the state or any city, city and county, county, district, or other local authority or public body of or within the state.~~

~~(3) “Surviving child” means a natural or adopted child of the deceased person, or a stepchild living or domiciled with the deceased person at the time of his or her death.~~

~~SEC. 3. Section 2 of this bill incorporates amendments to Section 68120 of the Education Code proposed by both this bill and AB 933. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 68120 of the Education Code, and (3) this bill is enacted after AB 933, in which case Section 1 of this bill shall not become operative.~~